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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,582

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Harald Kollner

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EXAMINER

KELLY, CATHERINE A

ART UNIT

PAPER NUMBER

3634

NOTIFICATION DATE

DELIVERY MODE

02/05/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,582	<b>Applicant(s)</b> KOLLNER ET AL.	
	<b>Examiner</b> CATHERINE A. KELLY	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11, and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-5, 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6840012 in view of US patent 4970827. The '012 reference shows the window winding arrangement of claim 1 in figure 1 where the drive means is motor 9 driving drum 8 with linear element 5 around pulleys 6 and 7, cable 5 being attached to window pane 2 with link members 3 and 4 and guide means 10.

However, the '012 reference does not show the liner element having a spring.

This is shown in the '827 reference in figure 3 where the spring is reference numeral 76.

One of ordinary skill in the art would be motivated to combine to keep tension in the driving means as taught in the '827 reference in column 6 lines 47-49.

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Regarding claim 2, the dual force points of claim 2 are taught in the '012 reference in column 4 lines 7-10 and column 8 lines 33-39. If applicant disagrees that these teaching read on claim 2, it further would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated because the '012 reference clearly sets out the differing loads on the force points and one of ordinary skill would have known at the time to vary the loads on the fixation points depending upon the desired objectives such as faster movement, lack of jamming, etc...

Regarding claim 3, Examiner takes Official Notice that guide elements or support brackets were well known in the art at the time of invention. One of ordinary skill in the art would be motivated to use a guide element to provide additional support and guiding beyond mere fixation points. The tension or pressing is taught in the '827 reference in column 6 lines 47-49.

Regarding claim 4, the linear element as a pull cable is shown in the '012 reference in figure 1 reference numeral 5.

Regarding claim 5, the window winding arrangement used in a vehicle door is taught in the '012 reference in column 1 lines 9-13.

Regarding claim 9, the fixation part at force engagement points is shown in the '012 reference in figure 1 where the fixation parts are reference numerals 3 and 4.

Regarding claim 10, the deflection part roller is shown in the '012 reference in figure 1 reference numerals 6 and 7.

Regarding claim 13, the window winding arrangement for motor vehicle is shown in the '012 reference in figure 1 where the drive means is motor 9 driving drum 8 with

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cable 5 around pulleys 6 and 7, linear element 5 being attached to window pane 2 with link members 3 and 4 and guide means 10 and the motor vehicle taught in column 1 lines 9-13. The spring is taught in the '827 reference in figure 3 reference numeral 76.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6840012 and US4970827 as applied to claim 5 above and in further view of US PG Pub 2004/0163320. Examiner takes Official Notice that metal and plastic are known materials in the art. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because metal and plastic are both very commonly used materials in the art, see use of plastic in the '320 reference above, and have known beneficial characteristic such as the strength and durability of metal and the lightweight of plastic as well as the ease of availability of both materials which are desirable in the art.

Regarding claim 8, the fixation part of the listed group is not shown in the '012 reference. A clip fixation part is shown in the '320 reference in figure 11 reference numeral 242. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because a clip is known to provide a secure connection which is always desirable in the art.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6840012 and US 4970827 as applied to claim 5 above, and further in view of US PG Pub 2002/0066232. The rail of claim 11 is not shown in the '012 reference. It is shown in the '232 reference in figure 2 where the fixation part is reference numeral 15 and the rail 20. It would have been obvious to one of ordinary skill in the art at the time of

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invention. One of ordinary skill would be motivated to combine because rails are known in the art to provide support to the fixation part and thus provide a more durable product which is always desirable in the art.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 7-11, and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is

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(571)270-3660. The examiner can normally be reached on Monday through Friday 9am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art Unit 3634

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